

Family Educational Rights and Privacy Act (FERPA)



PARENT INFORMATION GUIDE

Instruction Unit

What is The Family Educational Rights and Privacy Act of 1974 (FERPA)?

FERPA sets out requirements designed to protect the privacy of parents and students. In brief, the law requires a school district to: (1) provide parents access to their children's educational records; (2) provide parents an opportunity to seek correction of records believed to be inaccurate or misleading; and (3) with some exceptions, obtain the written permission of a parent before disclosing information contained in the student's educational record. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parent to the student.

How am I informed about my rights under FERPA?

Educational agencies and institutions are required to notify parents and eligible students about their rights under FERPA. The Clark County School District provides notification annually in the Back To School Reporter. In addition, schools provide information in their back-to-school materials. Students who enroll from out-of-district after the school year begins will be provided this information during the registration process.

What student information can be released by the Clark County School District?

Most information about students cannot be made public without parental consent. However, FERPA does allow for the release of information termed "directory information." Directory information is not generally considered harmful or an invasion of privacy if disclosed. This includes student's name, address, grade level, date and place of birth, photographs, participation in officially recognized activities and sports, weight and height if a member of an athletic team, dates and schools of attendance, and degrees and awards received. Photographs will only be considered directory information when used in printed school publications including the annual yearbook, playbills, honor roll or other recognition lists, graduation programs, newsletters, and sports activity programs/sheets. Directory information, including a student's name, address, and telephone number is made available upon request to post-secondary institutions and military recruiters, unless parents advise in writing that they do not want their student's information disclosed.

What notification must be made to parents before the release of "directory information?"

Annual public notice must be made before directory information may be made available without a parent's prior written consent. This notification is included in the CCSD Back To School Reporter and registration materials and informs parents of the right to restrict the distribution of directory information. A reasonable period of time is given between the issuance of public notice and the release of information to allow parents to request that this information not be released. A parent may rescind this request in writing at any time.

How is a “parent” defined under FERPA?

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. The parent has the authority to exercise the rights inherent in FERPA, unless the agency or institution has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument declares differently.

What are educational records under FERPA?

Generally, educational records include the student’s permanent academic record, achievement and scholastic aptitude test results, attendance and discipline file, health inventory cards and student support services folders (if appropriate).

How can parents access their child’s educational records?

Parents have the right, upon written request, to inspect and review any and all educational records relating directly to their student. School personnel are to respond to all requests within a reasonable length of time not to exceed ten (10) school days from the date of receipt of the request. School personnel will be available to interpret records being reviewed, if necessary.

The rights accorded to parents transfers to the student upon attainment of the student’s eighteenth birthday. However, if the student is still a dependent of his or her parents after the age of eighteen, the parents have a right to information contained in the student’s records without the student’s consent.

What information is not an educational record for which parent access can be refused?

Personal notes kept by a teacher, principal, counselor, or other school employee for the sole use of that person and which are not revealed to any other person are not considered part of the child’s record.

How are records obtained for students no longer enrolled in Clark County School District?

The parent must submit written authorization to release student records if the student is under eighteen years of age. After a former student is eighteen years of age or older, records can be released only with the student’s written consent unless the student is still a dependent. In addition, upon request the district discloses education records without consent to officials of other schools in which the student seeks or intends to enroll, or has already enrolled or transferred, if the disclosure is for purposes related to the student’s enrollment or transfer. Procedures for record release can be obtained from the Student Records Center at 799-2487.

How can parents correct records they believe are inaccurate or misleading? (See CCSD Regulation 5125.1)

Parents may by written request, to the principal of the school, challenge any part of their child's record which they believe is inaccurate, misleading, or otherwise in violation of their child's rights. Within ten (10) school days after receiving a request the principal shall notify the parent in writing of his/her decision regarding the request and the reasons for the decision. The parent has the right to appeal this decision to the Chief Student Achievement Officer of the Instruction Unit or designee ("Instruction Unit"), within ten (10) school days after receipt of the principal's letter. The Instruction Unit, within fifteen (15) working days of receipt of such an appeal will hold a hearing with the parent. The parent is informed in writing of the date and time of the appeal hearing. The Instruction Unit will make a decision in writing within five (5) working days after conclusion of the appeal hearing. The parent is notified of the decision by certified mail. If the Instruction Unit does not render a decision in favor of the parent's request, the parent has the right to attach a written statement to the contested student's record explaining the reasons for the disagreement with a specific document or documents. If the decision is to amend the record, the Instruction Unit will ensure that the record is amended within fifteen (15) working days of the decision.

How does a parent access additional information regarding FERPA?

Clark County School District Regulation 5125.1, Release of Information, has additional information related to student records. In addition, the Clark County School District has identified FERPA liaisons to answer questions. Listed below are the phone numbers of these individuals:

Educational Ombudsman Office	(702) 799-1016
Education Services Division	(702) 855-9775
Student Services Division	(702) 799-1020

In addition, questions can be directed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.